Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Text

SECRET

PAGE 01 STATE 080974

62
ORIGIN ARA-17

INFO OCT-01 ADP-00 TRSE-00 BNDE-00 SNM-02 L-03 CIAE-00

INR-10 NSAE-00 RSC-01 SS-15 NSC-10 JUSE-00 /059 R

DRAFTED BY ARA- LA/ APU: JLROUSH: MMG
4/27/73 EXT 22153
APPROVED BY ARA: RAHURWITCH
CUSTOMS: REYMAN (SUBS)
BNDD: GSTRICKLER (SUBS)
ARA/ APU: WPSTEDMAN, JR.
L/ M/ SCA: KMALMBORG (DRAFT)
S/ NM: NWARNER (DRAFT)
ARA: GLISTER
---------- 069821
R 301949 Z APR 73
FM SECSTATE WASHDC
TO AMEMBASSY BUENOS AIRES

S E C R E T STATE 080974

E. O. 11652: XGDS
TAGS: SNAR, AR
SUBJ: ARMANDO NICOLAI (XC-72-0002, C1-73-0088, DA 2- H1)

REF: BUENOS AIRES 2811

1. DEPARTMENT HAS NOT BEEN WILLING TO INITIATE EXTRADITION PROCEEDINGS WITHOUT A LEGAL BASIS FOR DOING SO AND A REASONABLE ASSUMPTION THAT THE REQUEST WOULD BE HONORED. IN SUBJECT CASE EXTRADITION APPEARS EXTREMELY UNLIKELY FOR THE FOLLOWING REASONS:

(A) THE OFFENSES WITH WHICH NICOLAI IS CHARGED PREDATE THE NEW EXTRADITION TREATY AND ARE NOT COVERED BY THE OLD TREATY;

(B) NICOLAI IS AN ARGENTINE NATIONAL AND ARGENTINA IN BOTH THE NEW AND OLD TREATIES REFUSED TO ACCEPT AN OBLIGATION
SECRET

SECRET

PAGE 02 STATE 080974

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

TO EXTRADITE ITS OWN NATIONALS.

2. FROM THE FOREGOING IT IS CLEAR THAT NICOLAI' S EXTRADITION WOULD HAVE TO BE SOUGHT OUTSIDE ANY TREATY OBLIGATION. ALL OUR EXPERIENCE IN EXTRADITION IN ARGENTINA INDICATES THAT ARGENTINE COURTS PLAY A PREDOMINANT AND INDEPENDENT ROLE IN EXTRADITION. THUS, EVEN IF WE WERE TO FOLLOW THE SUGGESTION IN PARAGRAPH TWO REFTEL FOR A PRESIDENTIAL MESSAGE, AND EVEN IF PRESIDENT LANUSSE WERE TO ORDER THE GOA TO SUPPORT THE REQUEST, WE HAVE NO REASON TO BELIEVE THAT THE COURTS WOULD GIVE A FAVORABLE DECISION. FURTHERMORE, AS INDICATED IN THE FIRST SENTENCE OF PARA THREE OF REFTEL, EVEN IF WE WERE TO INITIATE AN EXTRADITION REQUEST THE ACTUAL EXTRADITION PROCEEDINGS WOULD PROBABLY CARRY OVER BEYOND MAY 25, WITH NO ASSURANCE THAT THE NEW GOVERNMENT, ONCE IT WAS IN POWER, WOULD CONTINUE TO PRESS THE CASE IN THE COURTS.

3. WE RECOGNIZE THAT NICOLAI IS AN IMPORTANT NARCOTICS TRAFFICKER AND ALL APPROPRIATE EFFORTS SHOULD BE TAKEN TO BRING HIM TO JUSTICE. WE SUGGEST, THEREFORE, THAT YOU DISCUSS THE SITUATION WITH APPROPRIATE HIGH LEVEL OFFICIALS OF GOA TO EXPLORE WAYS BY WHICH NICOLAI COULD BE TRANSFERRED TO U. S. JURISDICTION.

4. WE WILL BE FOLLOWING DEVELOPMENTS CLOSELY. ROGERS

SECRET
NMAFVVZCZ

*** Current Handling Restrictions *** n/a
*** Current Classification *** SECRET

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 30 APR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE080974
Document Source: CORE
Document Unique ID: 00
Drafter: LA/ APU: JLROUSH: MMG
Enclosure: n/a
Executive Order: RR
Errors: n/a
Film Number: n/a
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730454/aaaaizju.tel
Line Count: 89
Locator: TEXT ON-LINE
Office: ORIGIN ARA
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: SECRET
Previous Handling Restrictions: n/a
Reference: 73 BUENOS AIRES 2811
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 15 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15-Jan-2002 by boyleja>; APPROVED <25 FEB 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> gwr 980205
Subject: ARMANDO NICOLAI (XC-72-0002, C1-73-0088, DA 2- H1)
TAGS: SNAR, AR
To: BUENOS AIRES
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005